

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

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March 30, 2004

FROM: **NORMAN KANOLD, Assistant County Administrator**
Economic Development and Public Services Group

**SUBJECT: AMENDMENT NO. 6 TO LEGAL SERVICES AGREEMENT 99-903 WITH
SOMACH, SIMMONS & DUNN**

RECOMMENDATION: Approve Amendment No. 6 to Agreement 99-903 with Somach, Simmons & Dunn for legal services related to water issues affecting the County, revising the rate schedule for professional services received by the County under this agreement.

BACKGROUND INFORMATION: On September 21, 1999, the Board approved an agreement with this firm for specialized legal services on water issues affecting the County. The firm has assisted staff in evaluating the proposed Metropolitan Water District (MWD)/Cadiz Inc. project, and in responding to its draft and supplemental Environmental Impact Reports and Environmental Impact Statements. The firm has also assisted with the development of a proposed ordinance related to the protection of indigenous groundwater in the unmanaged desert areas of the County.

On December 3, 2002, by Amendment 5, the Board authorized the increase of the agreement by \$20,000 to include \$10,000 funded by the priority policy needs budget on October 22, 2002, for legal services relating to the County's water license at Lake Gregory Regional Park and \$10,000 for additional services to the County and Board Governed Special Districts for water issues arising in fiscal year 2002-2003. The County and Board Governed Special Districts continue to require the firm's assistance regarding the County's water rights, water adjudication and water transfers, and the water license at Lake Gregory Regional Park.

The original agreement has been amended four times to increase the scope and amount of the contract, and twice to revise the rate schedule.

This amendment will revise the billing rates charged by the firm's two principal attorneys working on the project from \$200/hour to \$220/hour for services provided by Attorney Andrew Hitchings, and from \$155/hour to \$165/hour for services provided by Attorney Christian Scheuring. Other rate changes are shown in Exhibit 1 of the contract and will be effective if other individuals provide services. The new billing rates will be effective April 1, 2004, but the County will not be billed at the new rates unless and until the board approves this contract amendment.

REVIEW AND APPROVAL BY OTHERS: This item was reviewed by County Counsel (Fiona Luke, Deputy County Counsel, 387-5474) on March 16, 2004 and the County Administrative Office (Patricia M. Cole, Administrative Analyst III, 387-5346 and Katrina Turturro, 387-3076) on March 22, 2004.

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FINANCIAL IMPACT: Funding is available in the 2003/04 County Administrative Budget (AAA-LIT) for anticipated services to be rendered under the contract. Expenses incurred by the Special Districts Department shall be reimbursed to the County.

SUPERVISORIAL DISTRICT(S): All.

PRESENTER: Norman Kanold, Assistant County Administrator, 387-4532.

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